

PATENT
Docket No. 367592000100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Brian JOHNSTON et al.

Serial No.: 09/137,059

Filing Date: August 20, 1998

For: ANTISENSE AND ANTIGENE
THERAPEUTICS WITH IMPROVED
BINDING PROPERTIES AND METHODS
FOR THEIR USE

Examiner: M. Schmidt

Group Art Unit: 1635

PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

SomaGenics Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Erwin J. Basinski (Reg No. 34,773)	Shantanu Basu (Reg No. 43,318)
Richard R. Batt (Reg No. 43,485)	Vincent J. Belusko (Reg No. 30,820)
Jonathan Bockman (Reg No. 45,640)	Kimberly A. Bolin (Reg No. 44,546)
Barry E. Bretschneider (Reg No. 28,055)	Irina E. Britva (Reg No. 50,498)
Tyler S. Brown (Reg No. 36,465)	Nicholas Buffinger (Reg No. 39,124)
A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
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Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	David Devernøe (Reg No. P-50,128)
Karen B. Dow (Reg No. 29,684)	Stephen C. Durant (Reg No. 31,506)
Richard R. Eckman (Reg No. 42,504)	Elisabeth M. Evertsz (Reg No. 50,304)
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Deborah S. Gladstein (Reg No. 43,636)	Debra J. Glaister (Reg No. 33,888)
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Johnney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Arthur S. Hsieh (Reg No. 48,247)	Jill A. Jacobson (Reg No. 40,030)

Wayne Jaeschke, Jr. (Reg No. 38,503)
 Parisa Jorjani (Reg No. 46,813)
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 Gladys H. Monroy (Reg No. 32,430)
 Kate H. Murashige (Reg No. 29,959)
 Catherine M. Polizzi (Reg No. 40,130)
 Robert Saltzberg (Reg No. 36,910)
 Debra A. Shetka (Reg No. 33,309)
 David Smith (Reg No. 39,839)
 Stanley H. Thompson (Reg No. 45,160)
 Brenda J. Wallach (Reg No. 45,193)
 E. Thomas Wheelock (Reg No. 28,825)
 Eric Witt (Reg No. 44,408)
 David T. Yang (Reg No. 44,415)
 George C. Yu (Reg No. 44,418)

Madeline I. Johnston (Reg No. 36,174)
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 Cameron A. King (Reg No. 41,897)
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 Philip A. Morin (Reg No. P-45,926)
 Martin M. Noonan (Reg No. 44,264)
 Phillip Reilly (Reg No. 41,415)
 Robert E. Scheid (Reg. No. 42,126)
 Terri Shieh-Newton (Reg No. 47,081)
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 Thomas L. Treffert (Reg No. P48,279)
 Michael R. Ward (Reg No. 38,651)
 Todd W. Wight (Reg No. 45,218)
 Frank Wu (Reg No. 41,386)
 Peter J. Yim (Reg No. 44,417)
 Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster LLP as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

Jill A. Jacobson
 Morrison & Foerster LLP
 755 Page Mill Road
 Palo Alto, California 94304-1018

Please direct all telephone communications to Jill A. Jacobson at (650) 813-5876.

SomaGenics Inc.
 a California corporation

Dated: 7/26, 2002

Brian H. Johnston
 Name: Brian H. Johnston
 Title: President & CEO
 Address: 2161 Delaware Ave
 Santa Cruz, CA 95060

Attorney Docket No.: 30/374000/000

ASSIGNMENT JOINT

COPY

THIS ASSIGNMENT, by Brian JOHNSTON, Sergei A. KAZAKOV, and Kevin O. KISICH (hereinafter referred to as the assignors), residing at 750 Skyward Drive, Aptos, California 95003, 909 University, Apartment 17, Los Gatos, California 95032, and 2451 Jonquil Court, Lafayette, Colorado 80026 respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in ANTISENSE AND ANTIGENE THERAPEUTICS WITH IMPROVED BINDING PROPERTIES AND METHODS FOR THEIR USE, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/137,059 and filed on August 20, 1998; and

WHEREAS, SomaGenics Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 2161 Delaware Avenue, Santa Cruz, California 95060 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

7/25/02
Date

Brian Johnston
Brian JOHNSTON

7/25/02
Date

Sergei A. Kazakov
Sergei A. KAZAKOV

Date

Kevin O. Kisich
Kevin O. KISICH



PTO/SB/96 (08-00)

Approved for us through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Brian JOHNSTON et al.

Application No./Patent No.: 09/137,059

Filed/Issue Date: August 20, 1998

Entitled: ANTISENSE AND ANTIGENE THERAPEUTICS WITH IMPROVED BINDING PROPERTIES AND METHODS FOR THEIR USE

SomaGenics Inc.

a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. [X] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

- [] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3. If the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date

7/26/02

Typed or printed name

Brian H. Johnston

Signature

Brian Johnston

Title

President & CEO

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Applicant/Patentee: Brian JOHNSTON et al.

Docket No.: 367592000100

Serial No./Patent No.: 09/137,059

Filed on/Issued: August 20, 1998

For: ANTISENSE AND ANTIGENE THERAPEUTICS WITH IMPROVED BINDING PROPERTIES AND METHODS FOR THEIR USE

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9 AND 1.27 — SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: SomaGenics Inc.

ADDRESS OF CONCERN: 2161 Delaware Avenue, Santa Cruz, California 95060

I hereby declare that the above identified small business concern qualifies as a small business concern pursuant to 37 C.F.R. 1.27 and 13 C.F.R. § 121.802, for purposes of paying reduced fees to the United States Patent and Trademark Office, and the number of employees of the concern, including those of its affiliates, does not exceed 500 persons.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled ANTISENSE AND ANTIGENE THERAPEUTICS WITH IMPROVED BINDING PROPERTIES AND METHODS FOR THEIR USE by inventor(s) Brian JOHNSTON, Sergei A. KAZAKOV, and Kevin O. KISICH described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified business concern are not exclusive, each individual, concern or organization having rights in the invention qualify for small entity status, and no rights in the invention are held by any person, other than the inventor, who would not qualify as an independent inventor if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.27, or a nonprofit organization under 37 C.F.R. § 1.27.

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

NAME	ADDRESS	TYPE
		<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification or any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE: Brian JohnstonDATE: 7/26/02